

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**NEXPOINT DIVERSIFIED
REAL ESTATE TRUST,**

Plaintiff,

v.

ACIS CAPITAL MANAGEMENT, L.P., et al

Defendants.

Cause No. 1:21-cv-04384-GHW

NOTICE OF APPEAL

Notice is hereby given that Plaintiff NexPoint Diversified Real Estate Trust (“NexPoint” or “Plaintiff”) in the above-named case appeals to the United States Court of Appeals for the Second Circuit from the judgment entered on August 22, 2022 (Dkt. 123), in which, among other claims, the claim brought pursuant to the Investment Advisors Act (“IAA”) against Defendants Acis Capital Management, LP, Brigade Capital Management, LP, and Joshua N. Terry are dismissed with prejudice. Plaintiff specifically appeals only the IAA claim.

Dated: August 30, 2022

Respectfully submitted,

SBAITI & COMPANY PLLC

/s/ Mazin Sbaiti

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